

115TH CONGRESS  
1ST SESSION

# S. 176

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Helping Ensure Long-  
5       Term Protection for Coal Miners Health Care Act of  
6       2017” or the “HELP for Coal Miners Health Care Act  
7       of 2017”.

8       **SEC. 2. FINDINGS.**

9       Congress finds the following:

1                   (1) Over the 8 years preceding the date of the  
2 introduction of this Act, the coal industry and the  
3 communities supported by that industry have strug-  
4 gled, in large part due to overregulation.

5                   (2) Excessive regulation has, in large part,  
6 made coal more expensive to mine and use and has  
7 put it at an unfair disadvantage in the marketplace.

8                   (3) Because of these struggles—

9                         (A) the coal mining industry has lost over  
10                         30,000 jobs since President Obama's inaugura-  
11                         tion;

12                         (B) over 600 coal mines have shuttered  
13                         since President Obama's inauguration;

14                         (C) more than 25 coal mining companies  
15                         have filed for bankruptcy since President  
16                         Obama's inauguration;

17                         (D) Kentucky alone has lost over 10,000  
18                         coal mining jobs since President Obama's inau-  
19                         guration; and

20                         (E) the total number of operating coal  
21                         mines has hit its lowest point on record.

22                   (4) Because of the health risks often associated  
23                         with mining, robust health benefits are vital to coal  
24                         miner retirees; however, coal company bankruptcies,  
25                         job cuts, and closures have exhausted the ability of

1 many coal companies to continue providing health  
2 benefits to retirees and their dependents.

(6) While this extension helped prevent the loss of health benefits for thousands of miners, it did not provide a long-term solution.

(7) It is necessary to provide a permanent extension of health care benefits for the orphaned retirees who are at risk of losing their retirement health benefits at the end of April 2017.

**17 SEC. 3. INCLUSION OF CERTAIN RETIREES IN THE MULTI-  
18 EMPLOYER HEALTH BENEFIT PLAN.**

19                 (a) IN GENERAL.—Section 402(h)(2)(C) of the Sur-  
20 face Mining Control and Reclamation Act of 1977 (30  
21 U.S.C. 1232(h)(2)(C)), as amended by the Further Con-  
22 tinuing and Security Assistance Appropriations Act, 2017,  
23 is amended—

24 (1) by striking clauses (ii), (iii), and (iv); and  
25 (2) by inserting after clause (i) the following:

1                         “(ii) CALCULATION OF EXCESS.—The  
2                         excess determined under clause (i) shall be  
3                         calculated by taking into account only—

4                             “(I) those beneficiaries actually  
5                         enrolled in the Plan as of the date of  
6                         the enactment of the HELP for Coal  
7                         Miners Health Care Act of 2017 who  
8                         are eligible to receive health benefits  
9                         under the Plan on the first day of the  
10                        calendar year for which the transfer is  
11                        made, other than those beneficiaries  
12                        enrolled in the Plan under the terms  
13                        of a participation agreement with the  
14                        current or former employer of such  
15                        beneficiaries; and

16                         “(II) those beneficiaries whose  
17                         health benefits, defined as those bene-  
18                         fits payable, following death or retire-  
19                         ment or upon a finding of disability,  
20                         directly by an employer in the bitu-  
21                         minous coal industry under a coal  
22                         wage agreement (as defined in section  
23                         9701(b)(1) of the Internal Revenue  
24                         Code of 1986), would be denied or re-

1                         duced as a result of a bankruptcy pro-  
2                         ceeding commenced in 2012 or 2015.

3                         For purposes of subclause (I), a bene-  
4                         ficiary enrolled in the Plan as of the date  
5                         of the enactment of the HELP for Coal  
6                         Miners Health Care Act of 2017 shall be  
7                         deemed to have been eligible to receive  
8                         health benefits under the Plan on January  
9                          1, 2017.

10                         “(iii) ELIGIBILITY OF CERTAIN RETIR-  
11                         EES.—Individuals referred to in clause  
12                         (ii)(II) shall be treated as eligible to re-  
13                         ceive health benefits under the Plan.

14                         “(iv) REQUIREMENTS FOR TRANS-  
15                         FER.—The amount of the transfer other-  
16                         wise determined under this subparagraph  
17                         for a fiscal year shall be reduced by any  
18                         amount transferred for the fiscal year to  
19                         the Plan, to pay benefits required under  
20                         the Plan, from a voluntary employees’ ben-  
21                         eficiary association established as a result  
22                         of a bankruptcy proceeding described in  
23                         clause (ii).”.

1       (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to fiscal years beginning after Sep-  
3 tember 30, 2016.

4       (c) GAO AUDIT.—Not later than 3 years after the  
5 date of the enactment of this Act, and every 3 years there-  
6 after, the Comptroller General of the United States shall  
7 conduct a study of the Multiemployer Health Benefit Plan  
8 described in section 402(h)(2)(C)(i) of the Surface Mining  
9 Control and Reclamation Act of 1977 (30 U.S.C.  
10 1232(h)(2)(C)(i)) and shall submit to the appropriate  
11 committees of Congress a report analyzing whether Fed-  
12 eral funds are being spent appropriately by such Plan.

**13 SEC. 4. CLARIFICATION OF FINANCING OBLIGATIONS.**

14       (a) IN GENERAL.—Subsection (a) of section 9704 of  
15 the Internal Revenue Code of 1986 is amended—

16               (1) by striking paragraph (3),  
17               (2) by striking “three premiums” and inserting  
18               “two premiums”, and  
19               (3) by striking “, plus” at the end of paragraph  
20               (2) and inserting a period.

21       (b) CONFORMING AMENDMENTS.—

22               (1) Section 9704 of the Internal Revenue Code  
23 of 1986 is amended—

24               (A) by striking subsection (d), and

1 (B) by redesignating subsections (e)  
2 through (j) as subsections (d) through (i), re-  
3 spectively.

12 (B) by striking “or the unassigned bene-  
13 ficiaries premium account” in paragraph  
14 (3)(B).

(A) by striking “the unassigned beneficiary premium under section 9704(a)(3) and” in subparagraph (B), and

(B) by striking “9704(i)(1)(B)” and inserting “9704(h)(1)(B)”.

(C) by striking “9704(j)” and inserting  
“9704(i)”.

10                         (6) Paragraph (4) of section 9712(d) of such  
11                         Code is amended by striking “9704(j)” and inserting  
12                         “9704(i)”.

13 (c) ELIMINATION OF ADDITIONAL BACKSTOP PRE-  
14 MIUM.—

(A) by striking subparagraph (B).

21 (B) by striking “, and” at the end

paragraph (A) and inserting a period, and  
(C) by striking “shall provide for—” and  
all that follows through “annual adjustments”

1           and inserting “shall provide for annual adjust-  
2           ments”.

3         (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to plan years beginning after Sep-  
5 tember 30, 2016.

6 **SEC. 5. SENSE OF THE SENATE.**

7         It is the sense of the Senate that Congress should  
8 work with the administration to—

9           (1) repeal onerous regulations that have con-  
10 tributed to the downfall of the coal industry; and  
11           (2) support economic growth in Appalachia and  
12 other coal communities by promoting growth-ori-  
13 ented economic development efforts.

